



**February 4, 2021**

Questions and Answers Report



- Mayor Steve Adler
- Mayor Pro Tem Natasha Harper-Madison, District 1
- Council Member Vanessa Fuentes, District 2
- Council Member Sabino "Pio" Renteria, District 3
- Council Member Gregorio Casar, District 4
- Council Member Ann Kitchen, District 5
- Council Member Mackenzie Kelly, District 6
- Council Member Leslie Pool, District 7
- Council Member Paige Ellis, District 8
- Council Member Kathie Tovo, District 9
- Council Member Alison Alter, District 10

*The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.*

## QUESTIONS FROM COUNCIL

**Item #4:** Authorize negotiation and execution of an amendment to the professional services agreements with HDR Engineering, Inc. and CH2M Hill Engineers, Inc. for the 2015 Stream Restoration and Stormwater Treatment Engineering Services Rotation List in the amount of \$800,000, for a total contract amount not to exceed \$6,800,000, divided among the two firms.

### COUNCIL MEMBER TOVO'S OFFICE

*Which streams will be included in this project?*

The Capital Contracting Office is requesting this additional authorization to complete all remaining projects assigned to the 2015 Stream Restoration and Stormwater Treatment Engineering Services Rotation List. This Rotation List was approved by Council April 23, 2015. To date the following Projects have been assigned:

- Country Club West - Roy G. Guerrero Park Channel Stabilization
- BMK Eii Reach
- Little Walnut Creek - Jamestown Channel (Thurmond St to Confluence)
- Shoal Creek White Rock Repair
- Country Club West - Roy G. Guerrero Park Channel Stabilization
- Watershed Management Benchmark Study
- Williamson Creek-Bitter Creek Tributary Channel Rehabilitation
- UWO Structural Control Fund/RSMP Update
- Brentwood Drainage Improvements Preliminary Engineering
- Barton Creek - Eliza Spring Outlet Repair
- Shoal Creek Brentwood Drainage Improvements
- Village at Western Oaks Wetpond
- Waller Creek - Reznicek Field Water Quality Retrofit
- Williamson Creek - Village at Western Oaks Wet Pond P.R. 5.3
- Shoal Creek - Brentwood Integrated Drainage Improvements P.R. 5.3
- Williamson Creek - Richmond Tributary Rehab

The purpose of the additional authority being requested is to support projects assigned to this Rotation List for an additional two years.

Projects assignments anticipated thus far for this Rotation List include:

- Additional work at Country Club West - Roy G. Guerrero Park Channel Stabilization

**Item #7:** Approve a resolution to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Events Trust Fund for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for NASCAR events to be held at the Circuit of the Americas facility.

#### COUNCIL MEMBER TOVO'S OFFICE

*In 2018, the Circuit of the Americas failed to submit the required human trafficking prevention plan as part of their F1 reimbursement request from the Major Events Fund. Has this issue occurred again? Can you please provide us with the most recent copy of the Circuit of the Americas' human trafficking prevention plan - be it an event-specific plan or the facility's longstanding human trafficking prevention plans?*

In 2018 the Circuit of the Americas (COTA) provided its Human Trafficking Prevention Plan (HTPP) to the Governor's Office of Economic Development and Tourism on October 3, less than 30 days before the 2018 F1 event on October 19. Since COTA missed the state-mandated deadline to provide the HTPP by September 19 with its Major Events Reimbursement Program (MERP) application for the 2018 F1 event, COTA was disqualified from MERP participation for the 2018 F1.

COTA met the deadline to provide its HTPP 30 days prior to the 2019 MotoGP and F1 events. The 2020 MotoGP and F1 events were cancelled due to the COVID-19 pandemic.

#### **Human Trafficking Prevention Plan**

##### **Qualifications**

*This plan is based on information gathered from the National Human Trafficking Resource Center website and the Texas Attorney General website. This plan is a work in progress and will continue to develop as information becomes readily available. Public safety and emergency services are the highest priority in the development of this plan.*

##### **Overview**

COTA will include in its Event Action Plan "EAP" a suspicious activity document which will identify the red flags for human trafficking and the steps to take if suspicion arises. COTA Command will call the National Human Trafficking Hotline 1-888-3737-88. COTA Command will work with local law enforcement to identify any suspicious activity as it relates to the trafficking of humans. During this major event COTA will have on duty law enforcement officers throughout the facility.

**Items #9-28:** Housing Tax Credit application items.

#### COUNCIL MEMBER ALTER'S OFFICE

*Which, if any, of these projects do we anticipate will be participating in the Affordability Unlocked program?*

At this stage in the application process, staff is not able to ascertain whether applicants will take advantage of this development bonus program. As the applications progress through the Texas Department of Housing and Community Affairs (TDHCA) application process, staff can report back to City Council as desired.

**Item #16:** Approve a resolution confirming that an application for competitive 9% housing tax credits for a proposed multi-family development to be located at or near 2105 Parker Ln, Austin, TX 78741 will contribute more than any other 2021 9% housing tax credit application to the concerted revitalization efforts of the City within the East Riverside/Oltorf Combined Neighborhood Plan, which is subject to a concerted community revitalization plan.

COUNCIL MEMBER ALTER’S OFFICE

*Can staff provide any context as to why the costs per unit in this project seem higher than others we are considering?*

As part of the Request for City of Austin Resolutions Application, applicants submitted preliminary estimates of their total development costs in December 2020. Of the seven applications moving forward, the preliminary development cost ranges from \$225,892/unit to \$259,957/unit. The average per unit development cost is \$244,678. These per unit development costs are typical of high quality LIHTC developments located within the City of Austin. Variations in development costs are determined by a variety of factors, including location, bedroom size/unit mix, and amenities. It is important to note that Parker Apartments is a 150-unit affordable family development that includes 75 two-bedroom units and 30 three-bedroom units, as well as comprehensive amenities to serve low-income families.

**Item #32:** Approve an ordinance creating the Forensic Science Department; amending the Fiscal Year 2020-2021 Austin Police Department Operating Budget (Ordinance No. 20200812-001) to transfer out 86.75 full-time equivalent positions and decrease funding in the APD Decouple Fund in the amount of \$11,908,897, which consists of the positions and funding for the Forensic Science Bureau, and decrease the transfer from the General Fund to the APD Decouple Fund by the same amount; and amending the Fiscal Year 2020-2021 General Fund Budget (Ordinance No. 20200812-001) to transfer in 86.75 full-time equivalent positions and increase funding in the amount of \$11,908,897 for the Forensic Science Department, which consists of the same positions and funding for the Forensic Science Bureau.

COUNCIL MEMBER ALTER’S OFFICE

*Much research has been conducted and published related to the many potential issues that arise when forensics labs are intertwined with law enforcement agencies as well as the benefits of an independently run forensics lab. Many reports have also been published detailing the longstanding problems and shortcomings of Austin’s crime lab. These research pieces and reports are critical for the public to better understand the reasoning behind this structural change to city operations.*

*Please add important context to the backup that helps illustrate the necessity of creating an independent Forensic Science Department. This could include a link to the Oct. 2, 2020 City memo on APD DNA Lab Audit Recommendations (<http://www.austintexas.gov/edims/pio/document.cfm?id=347884>) as well as a link to the National Academy of Science’s report “Strengthening Forensic Science in the United States: A Path Forward” (<https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>) and excerpts from the report’s recommendations such as:*

*“Scientific and medical assessment conducted in forensic investigations should be independent of law enforcement efforts either to prosecute criminal suspects or even to determine whether a criminal act has indeed been committed. Administratively, this means that forensic scientists should function independently of law enforcement administrators. The best science is conducted in a scientific setting as opposed to a law enforcement setting. Because forensic scientists often are driven in their work by a need to answer a particular question related to the issues of a particular case, they sometimes face pressure to sacrifice appropriate methodology for the sake of expediency.”*

See attached memo.

*The City currently relies on grant funding to help elevate and effectively expedite forensics efforts, including the analysis of sexual assault kits. What proactive measures is the City taking to ensure that the application for and receipt of forensic grant funding will not be significantly affected by the creation of the Forensic Science Department? Please include details about how staff is tracking grants to ensure grant language does not limit an independent crime lab’s ability to apply for and receive grant funding once it is separated out from under the Austin Police Department umbrella. Please also provide information about the larger effort to track all criminal justice grants for the same reasons as we continue to advance the Decoupling efforts.*

The decoupling process, generally speaking, may affect the City’s ability to retain existing grant funds and secure future grant funding. APD administers all active and pending forensics grants and with CJD<sup>1</sup> grants specifically, this special condition is attached:

*“This grant is approved for award as submitted and must be administered by the Austin Police Department. Deviation from the approved budget or project scope requires prior authorization from the Public Safety Office. Failure to comply with this requirement could result in the termination of your grant.”*

APD staff has been communicating with CJD to determine necessary actions to ensure continuity of grant funding. Should Council approve the creation of the Forensic Science Department:

- APD will submit grant adjustments to CJD. Grant narratives will be revised to correspond with the new organizational structure and any changes in capabilities and competencies. CJD will determine whether the adjustment is in line with grant requirements. As support Services will continue to be provided through APD and no change in key personnel oversight roles is anticipated, the submission will be strong. Adjustments at the state level are typically resolved within one to two weeks.
- APD will notify the Department of Justice of the change in organizational structure and will provide any requested follow up information. It will likely not be necessary to file official adjustments at the federal level.

The City will continue to be eligible for state and federal Coverdell funding as long as the Forensic Science Department remains an accredited crime laboratory operated by the City. If the Forensic Science Department transitions to a local government corporation, the City will not be eligible for this fund source.

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<sup>1</sup> State of Texas, Office of the Governor, Criminal Justice Division (CJD)

**Item #34:** Authorize negotiation and execution of an interlocal agreement with University of Texas at Austin to conduct a tobacco-focused community health needs assessment and evaluation to reduce tobacco disparities among LGBTQ communities in the amount of \$55,000 for the term of January 27, 2021 through August 30, 2021, with four twelve-month renewal options each in an amount not to exceed \$25,000, for a total agreement amount not to exceed \$155,000.

**COUNCIL MEMBER ALTER'S OFFICE**

*How is this item being coordinated with the LGBTQIA+ Community Survey?*

Quell Community Foundation is a community partner that is coordinating directly with the LGBTQIA+ Community Survey that is currently taking place. The LGBTQIA+ Community Survey does not include questions from the Quell Wellbeing Survey which took place in Oct-Dec 2020, in order to avoid duplication. Through this proposed contract with University of Texas, no new survey development or survey administration will take place; it is simply additional analysis of existing data from the 2019 & 2020 Quell Wellbeing Surveys that were already completed, with a focus on tobacco, chronic disease, and mental health questions. This will help inform development of a workplan to reduce LGBTQIA tobacco-related disparities. One of the main focuses of the contract is the focus groups. University of Texas will conduct 6-7 focus groups with individuals who identify as smokers/tobacco users which will focus on attitudes, beliefs, and behaviors related to tobacco use and cessation. These focus groups will be conducted independently from the LGBTQIA Quality of Life study in order to allow for ample time to explore these concepts. A summary report of the qualitative and quantitative data must be produced by May 31<sup>st</sup> 2021 to meet the grant funder's requirements (Texas Department of State Health Services).

**Item #41:** Authorize award of a multi-term contract with High Tech Engineering Inc., to provide underground utility locating services, for up to five years for a total contract amount not to exceed \$9,500,000.

**COUNCIL MEMBER TOVO'S OFFICE**

*For which projects are these services intended to be used? If any of these services will be used in partnership with private developments, will AE's costs be reimbursed?*

All utility companies operating in the State of Texas, including Austin Energy, are required by law (Chapter 251: Texas Underground Facility Damage Prevention and Safety Act - <https://statutes.capitol.texas.gov/Docs/UT/htm/UT.251.htm>) to have underground utilities located for anyone that is excavating deeper than 16 inches. These services are for anyone who is excavating, from homeowners to major commercial projects. This service is provided to customers free of charge, so they know where utility lines are and avoid digging into them, which would cause interruption of service and possibly injury. Austin Energy is not reimbursed for this service, as the law requires utility companies to offer this service at no cost.

**COUNCIL MEMBER ALTER'S OFFICE**

*Do excavators pay for utility location services, or does the funding for this service come strictly from the Austin Energy budget?*

Funding for underground utility location services comes from Austin Energy's budget.

**Item #54:** Conduct a public hearing and approve an ordinance granting additional floor-to-area entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586 (B)(6).

COUNCIL MEMBER TOVO'S OFFICE

*We have a chart from the Housing Department that lists Rainey developments which have participated in the Downtown Density Bonus program; the particular chart we have begins with the Legacy at the Lake and ends with 91 Rainey and includes address, number of units total, number of affordable units, affordability period, and any fee in lieu received. Please update the chart to reflect proposed developments that have submitted site plans to date as of 2/1/21.*

Pending

*A presentation on the Downtown Density Bonus Program from August 1, 2016, includes a chart on the 5<sup>th</sup> or 6<sup>th</sup> of the unnumbered pages that depicts the citywide programs and the number of affordable units each one has achieved. The title is "Austin Density Bonus Policies + Programs." Please provide an updated chart that reflects units and fees in lieu received or anticipated as of 2/1/21.*

Pending

**Item #60:** Approve a resolution consenting to the creation of Travis County Emergency Services District No. 17.

COUNCIL MEMBER ALTER'S OFFICE

*1. Please confirm that Austin City Council's vote to allow voters to vote on ESD17 applies only to the Austin ETJ/Limited Purpose (within ESD 2), and that the vote has no direct bearing on whether or not Pflugerville voters will have the same option.*

Correct.

*2. Please confirm whether Austin voters in the ETJ and limited purpose areas will determine whether those same voters opt in to ESD17. In other words, would a majority of the voters across the ESD17 proposed area voting in favor of ESD17 impact jurisdictions that may vote against the initiative?*

Under state law, ESD 17 will be created and organized only if a majority of **ALL** votes cast in the election favor creation of the district. If that occurs, Travis County will then canvas the vote by jurisdiction. If a majority of the voters in the City of Austin's ETJ and limited purpose annexed area vote to create ESD 17, ESD 17 will include the City of Austin territory. Alternatively, if a majority of voters in the City of Austin's ETJ and limited purpose annexed area do NOT vote to create ESD 17, ESD 17 will NOT include the City of Austin territory.

*3. If voters in the Austin ETJ (and limited purpose areas) vote against the initiative, what are Austin's obligations (with respect to EMS services) to the Austin areas now in ESD2?*

The City of Austin would not have a direct obligation to those residents, but if a majority of those residents vote against creation of ESD 17, Travis County may need to provide services like it currently does in the rest of Austin's ETJ through its interlocal agreement with the City of Austin.

4. Please detail the steps that follow a vote from Austin City Council on whether to place this item on the ballot. Please confirm that ESD2/17 then determines whether to put the item on the ballot. Please also detail what happens in scenarios where other jurisdictions may not approve the respective item.

Council is being asked to consent to creation of the district and to the inclusion of the City's ETJ within the boundaries of the district, if it is ultimately approved by the voters. Travis County Commissioners Court has the statutory authority to call the election, and it has scheduled a hearing to consider calling the election next Tuesday, Feb. 9, 2021.

Travis County Commissioners Court will determine whether the creation of the district "is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed district" even if Pflugerville and Hutto do not consent. It is anticipated that these and other questions and issues will be addressed at the hearing in Commissioners Court on Feb. 9<sup>th</sup>. If Travis County does ultimately make the finding that creation of the district is feasible, then the election will proceed within the areas for which consent was granted.

**Item #61:** Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 2 acres of land and a building containing approximately 47,355 square feet out of Lot 1-A, Block B, including a non-exclusive joint use access easement over and across 0.081 of an acre of land, more or less, being a portion of Lot 10-A, Block B, both of the Amended Plat of Lot 1 and a Portion of Lot 2, Resubdivision of Lots 7, 8 & 9, Block B, Pecan Park, according to the map or plat thereof, recorded in Cabinet Y, Slides 205-207, Plat Records, Williamson County, Texas; known locally as 10811 Pecan Park Blvd, Bldg #2, Austin, TX 78750 from Apple Pie Hotels, LLC., A Texas Corporation for a total amount not to exceed \$9,500,000, including closing costs.

#### COUNCIL MEMBER TOVO'S OFFICE

1. *Why wouldn't the project be ready for occupancy until Q4?*

The timeline to place the hotel in service as PSH is dependent on a number of processes, which include the completion of due diligence and legal documents needed to close the acquisition (up to 90 days), negotiation and execution of the operating/service provider contract with the nonprofit partner, and, post-purchase, time to complete modest renovations necessary for use as permanent housing (to be determined, likely at least 60 days). Should the agreement with the service provider be executed during the 90 day due diligence period, this suggests a minimum 5 month timeline to occupancy, with earliest date of occupancy in July of 2021.

2. *Please provide the following for each of the approved/proposed hotel projects:*

- *Year built*
- *Sales price*
- *Number of units*
- *Square footage*
- *Renovation costs/estimated renovation costs*
- *Estimated service costs*
- *Estimated operation costs*

- *Location*
- *Council district*  
See attachment.

**Item #66:** NPA-2020-0027.01 -Twin Liquors-Maudie's - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan (WANG), an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2602, 2604, 2606, 2608, 2610 W. 7th Street and 701, 703 Newman Dr. (Johnson Creek Watershed) from Neighborhood Commercial to Commercial land use. Staff Recommendation and Planning Commission Recommendation: To grant Commercial land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower and Victoria Haase). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

#### COUNCIL MEMBER ALTER'S OFFICE

*In past instances when Council has considered a zoning case while also considering an associated Neighborhood Plan Amendment, has a Council ever approved a zoning change on a property without also approving the associated Neighborhood Plan Amendment in a situation like this one?*

- In 2019 a plan amendment and zoning application was filed on this property. The proposed zoning C14-2019-0043 was for CS-NP to CS-1-NP and from CS-1-NP to CS-NP on a zoning footprint. The proposed FLUM change NPA-2019-0027.01 was from Neighborhood Commercial to Mixed Use on the entire lot. See maps attached.
- On June 6, 2019 the city Council took no action on the proposed FLUM change but approved the rezoning request. See below for the June 6, 2019 CC Minutes. Approved zoning ordinance is here: <https://www.austintexas.gov/edims/document.cfm?id=321815>. Other than this instance, staff does not recall City Council approving a zoning change request but denying or taking no action on the associated FLUM change request on any other zoning and NPA cases.

## ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

75. NPA-2019-0027.01- Twin Liquors Maudie's -Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2608 West 7th Street (Johnson Creek Watershed) from Neighborhood Commercial to Mixed Use land use. Staff recommendation and Planning Commission recommendation: To grant Mixed Use land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695). District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-075 for Mixed Use land use failed on Council Member Flannigan's motion, Council Member Casar's second on a 5-3 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, and Renteria. Those voting nay were: Council Members Kitchen, Pool, and Tovo. Council Member Alter abstained. Mayor Adler was off the dais. Council Member Harper-Madison was absent.**

**No action was taken on this item.**

76. C14-2019-0043 - Twin Liquors Maudie's - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2606, 2608, and 2610 W 7th Street and 703 Newman Drive (Johnson Creek Watershed). Applicant Request: To rezone from general commercial services - neighborhood plan (CS-NP) combining district zoning to commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and from commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning to general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 . Staff recommendation and Planning Commission Recommendation: To grant commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2.

## REGULAR COUNCIL MINUTES

THURSDAY, JUNE 6, 2019

Owner/Applicant: TASC Properties LP (Tracy Livingston. Agent: Thrower Design (Ron Thrower). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-076 for commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 was approved on Council Member Alter's motion, Council Member Casar's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Harper-Madison was absent.**

*What are the consequences of approving the zoning case without approving the associated Neighborhood Plan Amendment?*

If needed, future zone change requests on the site would likely trigger a required Neighborhood Plan Amendment. The Law Department will provide a response directly to Council.

*The staff report indicates that to be in compliance with the City Charter, to approve this zoning change Council must also adopt the Neighborhood Plan Amendment to the FLUM. What specifically allowed the City the flexibility of adopting a Neighborhood Plan with a FLUM that conflicted with the existing zoning without it creating a conflict with the City Charter?*

The Future Land Use map is intended to describe the desired future use for a property, where the zoning describes the uses and development currently allowed. In many locations of the city, NP FLUMs have been adopted that do not match the current zoning on the site, with the intention that the zoning and allowed development on the site would move toward that desired future state over time.

*In the staff report, the Neighborhood Plan Contact Team has detailed their perspective on why this case has not met the requirements of LDC 25-1-810(b), can staff please provide their perspective on this matter and whether or how the applicant has met these requirements?*

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments; [Not applicable]

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare; [Not applicable.]

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; [City Council approved Imagine Austin Comp. Plan in June 2012 after the Central West Austin NP was approved in September 2010. Imagine Austin Comp Plan designated Lake Austin Blvd an Activity Corridor where commercial and Mixed Use are appropriate and compatible in this location. The property is within 150 feet of this activity corridor] and

(b) denial would result in a hardship to the applicant; [Changing the FLUM on the entire tract to Commercial or Mixed Use gives the property owner flexibility to make necessary changes that will help a local business stay in business. The Central West Austin NP says it supports local businesses.

(4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; [Not applicable]  
or

(b) promotes the recruitment or retention of an employment center with 100 or more employees; [Not applicable]

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; [See response below] or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities. [The applicant requested Commercial land use, which staff supports, but staff also supports Mixed Use land use. Mixed Use land use would be compatible with any future zoning change request that includes a residential component. Residential developments can apply for S.M.A.R.T. Housing certification to provide affordable housing. Neighborhood Commercial or Commercial would not allow this opportunity but would require another plan amendment request.

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

Sections of the plan that staff believes supports the FLUM change to Commercial or Mixed Use: Plan document is here: <ftp://ftp.ci.austin.tx.us/npzd/Austingo/cwa-combined-np.pdf>.

Action Items C.1.4 Increase the variety, quality & accessibility of neighborhood retail & public services. (page 11)

The proposed FLUM change to Commercial or Mixed Use opens up the options for a variety of neighborhood retail options because Commercial land use is a broader land use than Neighborhood Commercial.

T.1.9 Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, & motorists & promotes recreation & socializing, but without expanding vehicle lanes. Below is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance. (page 11)

The property is within 150 feet of the Lake Austin Boulevard which is an Imagine Austin Activity Corridor where a wide-range of commercial and residential uses are encouraged and are compatible for this commercial node where the property is located.

L..2.3 Revitalize the Tarrytown Shopping Center by attracting preferably locally-owned neighborhood-serving & pedestrian-oriented businesses such as cafés, restaurants, & a bakery. Height should remain appropriately scaled to the adjacent residential structures. (page 11)

Although this section mentions Tarrytown Shopping Center, it says there is a preference for locally-owned neighborhood-service businesses. Because Commercial land use is a broader land use, it would open up the possibility for wider-range of uses to serve the community and Austin residents who chose to shop in this area.

Central West Austin is served by bus routes that connect it to downtown, the University of Texas, and south and north Austin. Although, over the years, this service has declined due to low ridership, stakeholders would like to reverse the trend and see an increase and focus on target areas. (page 52)

The plan recognizes a decrease in transit ridership but nevertheless maintains the status quo and doesn't appear to support an increase in residential or commercial density which could attract more people to support public transportation.



### Council Question and Answer

**Related To**

Item #4

**Meeting Date**

February 4, 2021

#### Additional Answer Information

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**QUESTION/ANSWER:** Council Member Tovo's Office

*Which streams will be included in this project?*

The Capital Contracting Office is requesting this additional authorization to complete all remaining projects assigned to the 2015 Stream Restoration and Stormwater Treatment Engineering Services Rotation List. This Rotation List was approved by Council April 23, 2015. To date the following Projects have been assigned:

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The purpose of the additional authority being requested is to support projects assigned to this Rotation List for an additional two years.

Projects assignments anticipated thus far for this Rotation List include:

- Additional work at Country Club West - Roy G. Guerrero Park Channel Stabilization



**Council Question and Answer**

**Related To**

Items #7

**Meeting Date**

February 4, 2021

**Additional Answer Information**

Approve a resolution to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Events Trust Fund for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for NASCAR events to be held at the Circuit of the Americas facility.

**QUESTION/ANSWER:** Council Member Tovo’s Office

*In 2018, the Circuit of the Americas failed to submit the required human trafficking prevention plan as part of their F1 reimbursement request from the Major Events Fund. Has this issue occurred again? Can you please provide us with the most recent copy of the Circuit of the Americas’ human trafficking prevention plan - be it an event-specific plan or the facility’s longstanding human trafficking prevention plans?*

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COTA met the deadline to provide its HTPP 30 days prior to the 2019 MotoGP and F1 events. The 2020 MotoGP and F1 events were cancelled due to the COVID-19 pandemic.

**Human Trafficking Prevention Plan**

**Qualifications**

*This plan is based on information gathered from the National Human Trafficking Resource Center website and the Texas Attorney General website. This plan is a work in progress and will continue to develop as information becomes readily available. Public safety and emergency services are the highest priority in the development of this plan.*

**Overview**

COTA will include in its Event Action Plan “EAP” a suspicious activity document which will identify the red flags for human trafficking and the steps to take if suspicion arises. COTA Command will call the National Human Trafficking Hotline 1-888-3737-88. COTA Command will work with local law enforcement to identify any suspicious activity as it relates to the trafficking of humans. During this major event COTA will have on duty law enforcement officers throughout the facility.



**Council Question and Answer**

**Related To**

Items #9-28

**Meeting Date**

February 4, 2021

*Additional Answer Information*

Housing Tax Credit application items.

**QUESTION/ANSWER:** Council Member Alter's Office

*Which, if any, of these projects do we anticipate will be participating in the Affordability Unlocked program?*

At this stage in the application process, staff is not able to ascertain whether applicants will take advantage of this development bonus program. As the applications progress through the Texas Department of Housing and Community Affairs (TDHCA) application process, staff can report back to City Council as desired.



**Council Question and Answer**

**Related To**

Item #16

**Meeting Date**

February 4, 2021

*Additional Answer Information*

Approve a resolution confirming that an application for competitive 9% housing tax credits for a proposed multi-family development to be located at or near 2105 Parker Ln, Austin, TX 78741 will contribute more than any other 2021 9% housing tax credit application to the concerted revitalization efforts of the City within the East Riverside/Oltorf Combined Neighborhood Plan, which is subject to a concerted community revitalization plan.

**QUESTION/ANSWER:** Council Member Alter’s Office

*Can staff provide any context as to why the costs per unit in this project seem higher than others we are considering?*

As part of the Request for City of Austin Resolutions Application, applicants submitted preliminary estimates of their total development costs in December 2020. Of the seven applications moving forward, the preliminary development cost ranges from \$225,892/unit to \$259,957/unit. The average per unit development cost is \$244,678. These per unit development costs are typical of high quality LIHTC developments located within the City of Austin. Variations in development costs are determined by a variety of factors, including location, bedroom size/unit mix, and amenities. It is important to note that Parker Apartments is a 150-unit affordable family development that includes 75 two-bedroom units and 30 three-bedroom units, as well as comprehensive amenities to serve low-income families.



**Council Question and Answer**

**Related To**

Items #32

**Meeting Date**

February 4, 2021

Additional Answer Information

Approve an ordinance creating the Forensic Science Department; amending the Fiscal Year 2020-2021 Austin Police Department Operating Budget (Ordinance No. 20200812-001) to transfer out 86.75 full-time equivalent positions and decrease funding in the APD Decouple Fund in the amount of \$11,908,897, which consists of the positions and funding for the Forensic Science Bureau, and decrease the transfer from the General Fund to the APD Decouple Fund by the same amount; and amending the Fiscal Year 2020-2021 General Fund Budget (Ordinance No. 20200812-001) to transfer in 86.75 full-time equivalent positions and increase funding in the amount of \$11,908,897 for the Forensic Science Department, which consists of the same positions and funding for the Forensic Science Bureau.

**QUESTION/ANSWER:** Council Member Alter’s Office

*Much research has been conducted and published related to the many potential issues that arise when forensics labs are intertwined with law enforcement agencies as well as the benefits of an independently run forensics lab. Many reports have also been published detailing the longstanding problems and shortcomings of Austin’s crime lab. These research pieces and reports are critical for the public to better understand the reasoning behind this structural change to city operations.*

*Please add important context to the backup that helps illustrate the necessity of creating an independent Forensic Science Department. This could include a link to the Oct. 2, 2020 City memo on APD DNA Lab Audit Recommendations (<http://www.austintexas.gov/edims/pio/document.cfm?id=347884>) as well as a link to the National Academy of Science’s report “Strengthening Forensic Science in the United States: A Path Forward” (<https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>) and excerpts from the report’s recommendations such as: “Scientific and medical assessment conducted in forensic investigations should be independent of law enforcement efforts either to prosecute criminal suspects or even to determine whether a criminal act has indeed been committed. Administratively, this means that forensic scientists should function independently of law enforcement administrators. The best science is conducted in a scientific setting as opposed to a law enforcement setting. Because forensic scientists often are driven in their work by a need to answer a particular question related to the issues of a particular case, they sometimes face pressure to sacrifice appropriate methodology for the sake of expediency.”*

See attached memo.

*The City currently relies on grant funding to help elevate and effectively expedite forensics efforts, including the analysis of sexual assault kits. What proactive measures is the City taking to ensure that the application for and receipt of forensic grant funding will not be significantly affected by the creation of the Forensic Science Department? Please include details about how staff is tracking grants to ensure grant language does not limit an independent crime lab’s ability to apply for and receive grant funding once it is separated out from under the Austin Police Department umbrella. Please also provide information about the larger effort to track all criminal justice grants for the same reasons as we continue to advance the Decoupling efforts.*

The decoupling process, generally speaking, may affect the City's ability to retain existing grant funds and secure future grant funding. APD administers all active and pending forensics grants and with CJD<sup>1</sup> grants specifically, this special condition is attached:

*"This grant is approved for award as submitted and must be administered by the Austin Police Department. Deviation from the approved budget or project scope requires prior authorization from the Public Safety Office. Failure to comply with this requirement could result in the termination of your grant."*

APD staff has been communicating with CJD to determine necessary actions to ensure continuity of grant funding. Should Council approve the creation of the Forensic Science Department:

- APD will submit grant adjustments to CJD. Grant narratives will be revised to correspond with the new organizational structure and any changes in capabilities and competencies. CJD will determine whether the adjustment is in line with grant requirements. As support Services will continue to be provided through APD and no change in key personnel oversight roles is anticipated, the submission will be strong. Adjustments at the state level are typically resolved within one to two weeks.
- APD will notify the Department of Justice of the change in organizational structure and will provide any requested follow up information. It will likely not be necessary to file official adjustments at the federal level.

The City will continue to be eligible for state and federal Coverdell funding as long as the Forensic Science Department remains an accredited crime laboratory operated by the City. If the Forensic Science Department transitions to a local government corporation, the City will not be eligible for this fund source.

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<sup>1</sup> State of Texas, Office of the Governor, Criminal Justice Division (CJD)



## MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City Manager

DATE: February 3, 2021

SUBJECT: Creation of the Forensic Science Department, Agenda Item #32

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At your February 4, 2021 meeting, Council will consider Item #32, a proposed ordinance that, if approved, creates a Forensic Science Department under the control and direction of the City Manager. The proposed change is consistent with the Reimagining Public Safety Decoupling framework and transfers the Austin Police Department (APD) Forensic Science Bureau funding and positions to the new, independent Forensic Science Department to be led by Dr. Dana Kadavy, the current Executive Director of the nationally accredited laboratory.

The proposed restructuring is an opportunity for the City to achieve a higher level of forensic objectivity and operational independence in alignment with recommendations included in the [Quattrone Report](#)'s comprehensive review of the Austin Police Department DNA Lab. Those findings were released in October 2020.

The Quattrone report identified independence as one of the four framework ideals of a "utopian crime lab," and suggested that meeting this foundational element increases the probability of an effective and efficient crime lab. Furthermore, the proposed ordinance is consistent with the National Academy of Science's report "Strengthening Forensic Science in the United States; A Path Forward" (<https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>), which states:

"Scientific and medical assessment conducted in forensic investigations should be independent of law enforcement efforts either to prosecute criminal suspects or even to determine whether a criminal act has indeed been committed. Administratively, this means that forensic scientists should function independently of law enforcement administrators. The best science is conducted in a scientific setting as opposed to a law enforcement setting. Because forensic scientists often are driven in their work by a need to answer a particular question related to the issues of a particular case, they sometimes face pressure to sacrifice appropriate methodology for the sake of expediency."

An independently operated forensic department represents an important step toward rebuilding public trust in forensic services and well-positions the City to provide impartial scientific and support services to the Community and criminal justice system.

The City Manager's Office and APD are working together to ensure a seamless transition of Forensic Science Bureau operations to the Forensic Science Department. The restructuring will not impact the status of Forensic Science Bureau personnel as City of Austin employees or the services they provide. The staff will remain a vital resource to the criminal justice system and the community, and funding levels will remain the same. Support Services will continue to be provided through the police and other City departments.

cc: Spencer Cronk, City Manager  
CMO Executive Team  
Chief Brian Manley, Austin Police Chief  
Dr. Dana Kadavy, APD Forensic Science Bureau Director



**Related To**

Items #34

**Meeting Date**

February 4, 2021

Additional Answer Information

Authorize negotiation and execution of an interlocal agreement with University of Texas at Austin to conduct a tobacco-focused community health needs assessment and evaluation to reduce tobacco disparities among LGBTQ communities in the amount of \$55,000 for the term of January 27, 2021 through August 30, 2021, with four twelve-month renewal options each in an amount not to exceed \$25,000, for a total agreement amount not to exceed \$155,000.

**QUESTION/ANSWER:** Council Member Alter's Office

*How is this item being coordinated with the LGBTQIA+ Community Survey?*

Quell Community Foundation is a community partner that is coordinating directly with the LGBTQIA+ Community Survey that is currently taking place. The LGBTQIA+ Community Survey does not include questions from the Quell Wellbeing Survey which took place in Oct-Dec 2020, in order to avoid duplication. Through this proposed contract with University of Texas, no new survey development or survey administration will take place; it is simply additional analysis of existing data from the 2019 & 2020 Quell Wellbeing Surveys that were already completed, with a focus on tobacco, chronic disease, and mental health questions. This will help inform development of a workplan to reduce LGBTQIA tobacco-related disparities. One of the main focuses of the contract is the focus groups. University of Texas will conduct 6-7 focus groups with individuals who identify as smokers/tobacco users which will focus on attitudes, beliefs, and behaviors related to tobacco use and cessation. These focus groups will be conducted independently from the LGBTQIA Quality of Life study in order to allow for ample time to explore these concepts. A summary report of the qualitative and quantitative data must be produced by May 31<sup>st</sup> 2021 to meet the grant funder's requirements (Texas Department of State Health Services).



**Council Question and Answer**

**Related To**

Item #41

**Meeting Date**

February 4, 2021

*Additional Answer Information*

Authorize award of a multi-term contract with High Tech Engineering Inc., to provide underground utility locating services, for up to five years for a total contract amount not to exceed \$9,500,000.

**QUESTION/ANSWER:** Council Member Tovo's Office

*For which projects are these services intended to be used? If any of these services will be used in partnership with private developments, will AE's costs be reimbursed?*

All utility companies operating in the State of Texas, including Austin Energy, are required by law (Chapter 251: Texas Underground Facility Damage Prevention and Safety Act - <https://statutes.capitol.texas.gov/Docs/UT/htm/UT.251.htm>) to have underground utilities located for anyone that is excavating deeper than 16 inches. These services are for anyone who is excavating, from homeowners to major commercial projects. This service is provided to customers free of charge, so they know where utility lines are and avoid digging into them, which would cause interruption of service and possibly injury. Austin Energy is not reimbursed for this service, as the law requires utility companies to offer this service at no cost.



**Related To**

Item #41

**Meeting Date**

February 4, 2021

*Additional Answer Information*

Authorize award of a multi-term contract with High Tech Engineering Inc., to provide underground utility locating services, for up to five years for a total contract amount not to exceed \$9,500,000.

**QUESTION/ANSWER:** Council Member Alter's Office

*Do excavators pay for utility location services, or does the funding for this service come strictly from the Austin Energy budget?*

Funding for underground utility location services comes from Austin Energy's budget.



**Council Question and Answer**

**Related To**

Item #60

**Meeting Date**

February 4, 2021

**Additional Answer Information**

Approve a resolution consenting to the creation of Travis County Emergency Services District No. 17.

**QUESTION/ANSWER:** Council Member Alter’s Office

*1. Please confirm that Austin City Council’s vote to allow voters to vote on ESD17 applies only to the Austin ETJ/Limited Purpose (within ESD 2), and that the vote has no direct bearing on whether or not Pflugerville voters will have the same option.*

Correct.

*2. Please confirm whether Austin voters in the ETJ and limited purpose areas will determine whether those same voters opt in to ESD17. In other words, would a majority of the voters across the ESD17 proposed area voting in favor of ESD17 impact jurisdictions that may vote against the initiative?*

Under state law, ESD 17 will be created and organized only if a majority of **ALL** votes cast in the election favor creation of the district. If that occurs, Travis County will then canvas the vote by jurisdiction. If a majority of the voters in the City of Austin’s ETJ and limited purpose annexed area vote to create ESD 17, ESD 17 will include the City of Austin territory. Alternatively, if a majority of voters in the City of Austin’s ETJ and limited purpose annexed area do NOT vote to create ESD 17, ESD 17 will NOT include the City of Austin territory.

*3. If voters in the Austin ETJ (and limited purpose areas) vote against the initiative, what are Austin’s obligations (with respect to EMS services) to the Austin areas now in ESD2?*

The City of Austin would not have a direct obligation to those residents, but if a majority of those residents vote against creation of ESD 17, Travis County may need to provide services like it currently does in the rest of Austin’s ETJ through its interlocal agreement with the City of Austin.

*4. Please detail the steps that follow a vote from Austin City Council on whether to place this item on the ballot. Please confirm that ESD2/17 then determines whether to put the item on the ballot. Please also detail what happens in scenarios where other jurisdictions may not approve the respective item.*

Council is being asked to consent to creation of the district and to the inclusion of the City’s ETJ within the boundaries of the district, if it is ultimately approved by the voters. Travis County Commissioners Court has the statutory authority to call the election, and it has scheduled a hearing to consider calling the election next Tuesday, Feb. 9, 2021.

Travis County Commissioners Court will determine whether the creation of the district “is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed district” even if Pflugerville and Hutto do not consent. It is anticipated that these and other questions and issues will be addressed at the hearing in Commissioners Court on Feb. 9<sup>th</sup>. If Travis County does ultimately make the finding that creation of the district is feasible, then the election will proceed within the areas for which consent was granted.



**Council Question and Answer**

**Related To**

Item #61

**Meeting Date**

February 4, 2021

*Additional Answer Information*

Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 2 acres of land and a building containing approximately 47,355 square feet out of Lot 1-A, Block B, including a non-exclusive joint use access easement over and across 0.081 of an acre of land, more or less, being a portion of Lot 10-A, Block B, both of the Amended Plat of Lot 1 and a Portion of Lot 2, Resubdivision of Lots 7, 8 & 9, Block B, Pecan Park, according to the map or plat thereof, recorded in Cabinet Y, Slides 205-207, Plat Records, Williamson County, Texas; known locally as 10811 Pecan Park Blvd, Bldg #2, Austin, TX 78750 from Apple Pie Hotels, LLC., A Texas Corporation for a total amount not to exceed \$9,500,000, including closing costs.

**QUESTION/ANSWER:** Council Member Tovo's Office

*1. Why wouldn't the project be ready for occupancy until Q4?*

The timeline to place the hotel in service as PSH is dependent on a number of processes, which include the completion of due diligence and legal documents needed to close the acquisition (up to 90 days), negotiation and execution of the operating/service provider contract with the nonprofit partner, and, post-purchase, time to complete modest renovations necessary for use as permanent housing (to be determined, likely at least 60 days). Should the agreement with the service provider be executed during the 90 day due diligence period, this suggests a minimum 5 month timeline to occupancy, with earliest date of occupancy in July of 2021.

*2. Please provide the following for each of the approved/proposed hotel projects:*

- *Year built*
- *Sales price*
- *Number of units*
- *Square footage*
- *Renovation costs/estimated renovation costs*
- *Estimated service costs*
- *Estimated operation costs*
- *Location*
- *Council district*  
See attachment.

	<b>Candlewood Suites</b>	<b>Texas Bungalows</b>	<b>Country Inn</b>	<b>Rodeway Inn</b>
<b>Year built</b>	2018	2018	2002	1986
<b>Purchase price</b>	Not to exceed \$9,500,000	Not to exceed \$6,700,000	\$8,200,000	6,300,000
<b>Number of rooms</b>	83	65	75	87
<b>Square footage</b>	47,355	28,902	43,798	31,980
<b>Renovation costs/estimated renovation costs</b>	Development of specifications for, and costing of, renovations will be part of the due diligence to be completed once site control is established.	Development of specifications for, and costing of, renovations will be part of the due diligence to be completed once site control is established.	\$78,462 has been spent to date on preliminary repairs. An estimate is currently being completed.	Approximately \$360,000 has been spent to date. An additional \$1,200,000 in renovations is currently underway.
<b>Estimated service costs</b>	\$1,120,000	\$840,000	TBD	TBD
<b>Estimated operation costs</b>	\$1,056,000	\$792,000	TBD	TBD
<b>Location</b>	10811 Pecan Park Blvd, Bldg #2, Austin, TX 78750	13311 Burnet Rd., Austin, TX 78727	7400 N Interstate 35, Austin, TX 78752	2711 S Interstate 35, Austin, Texas 78741
<b>Council district</b>	6	7	4	3



**Council Question and Answer**

**Related To**

Item #66

**Meeting Date**

February 4, 2021

*Additional Answer Information*

NPA-2020-0027.01 -Twin Liquors-Maudie's - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan (WANG), an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2602, 2604, 2606, 2608, 2610 W. 7th Street and 701, 703 Newman Dr. (Johnson Creek Watershed) from Neighborhood Commercial to Commercial land use. Staff Recommendation and Planning Commission Recommendation: To grant Commercial land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower and Victoria Haase). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

**QUESTION/ANSWER:** Council Member Alter's Office

*In past instances when Council has considered a zoning case while also considering an associated Neighborhood Plan Amendment, has a Council ever approved a zoning change on a property without also approving the associated Neighborhood Plan Amendment in a situation like this one?*

- In 2019 a plan amendment and zoning application was filed on this property. The proposed zoning C14-2019-0043 was for CS-NP to CS-1-NP and from CS-1-NP to CS-NP on a zoning footprint. The proposed FLUM change NPA-2019-0027.01 was from Neighborhood Commercial to Mixed Use on the entire lot. See maps attached.
- On June 6, 2019 the city Council took no action on the proposed FLUM change but approved the rezoning request. See below for the June 6, 2019 CC Minutes. Approved zoning ordinance is here: <https://www.austintexas.gov/edims/document.cfm?id=321815>. Other than this instance, staff does not recall City Council approving a zoning change request but denying or taking no action on the associated FLUM change request on any other zoning and NPA cases.

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

75. NPA-2019-0027.01- Twin Liquors Maudie's -Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2608 West 7th Street (Johnson Creek Watershed) from Neighborhood Commercial to Mixed Use land use. Staff recommendation and Planning Commission recommendation: To grant Mixed Use land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695). District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-075 for Mixed Use land use failed on Council Member Flannigan's motion, Council Member Casar's second on a 5-3 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, and Renteria. Those voting nay were: Council Members Kitchen, Pool, and Tovo. Council Member Alter abstained. Mayor Adler was off the dais. Council Member Harper-Madison was absent.**

**No action was taken on this item.**

76. C14-2019-0043 - Twin Liquors Maudie's - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2606, 2608, and 2610 W 7th Street and 703 Newman Drive (Johnson Creek Watershed). Applicant Request: To rezone from general commercial services - neighborhood plan (CS-NP) combining district zoning to commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and from commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning to general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 . Staff recommendation and Planning Commission Recommendation: To grant commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2.

**REGULAR COUNCIL MINUTES**

**THURSDAY, JUNE 6, 2019**

Owner/Applicant: TASC Properties LP (Tracy Livingston. Agent: Thrower Design (Ron Thrower). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-076 for commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 was approved on Council Member Alter's motion, Council Member Casar's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Harper-Madison was absent.**

*What are the consequences of approving the zoning case without approving the associated Neighborhood Plan Amendment?*

If needed, future zone change requests on the site would likely trigger a required Neighborhood Plan Amendment. The Law Department will provide a response directly to Council.

*The staff report indicates that to be in compliance with the City Charter, to approve this zoning change Council must also adopt the Neighborhood Plan Amendment to the FLUM. What specifically allowed the City the flexibility of adopting a Neighborhood Plan with a FLUM that conflicted with the existing zoning without it creating a conflict with the City Charter?*

The Future Land Use map is intended to describe the desired future use for a property, where the zoning describes the uses and development currently allowed. In many locations of the city, NP FLUMs have been adopted that do not match the current zoning on the site, with the intention that the zoning and allowed development on the site would move toward that desired future state over time.

*In the staff report, the Neighborhood Plan Contact Team has detailed their perspective on why this case has not met the requirements of LDC 25-1-810(b), can staff please provide their perspective on this matter and whether or how the applicant has met these requirements?*

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments; [Not applicable]

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare; [Not applicable.]

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; [City Council approved Imagine Austin Comp. Plan in June 2012 after the Central West Austin NP was approved in September 2010. Imagine Austin Comp Plan designated Lake Austin Blvd an Activity Corridor where commercial and Mixed Use are appropriate and compatible in this location. The property is within 150 feet of this activity corridor] and

(b) denial would result in a hardship to the applicant; [Changing the FLUM on the entire tract to Commercial or Mixed Use gives the property owner flexibility to make necessary changes that will help a local business stay in business. The Central West Austin NP says it supports local businesses.

(4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; [Not applicable] or

(b) promotes the recruitment or retention of an employment center with 100 or more employees; [Not applicable]

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; [See response below] or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities. [The applicant requested Commercial land use, which staff supports, but staff also supports Mixed Use land use. Mixed Use land use would be compatible with any future zoning change request that includes a residential component. Residential developments can apply for S.M.A.R.T. Housing certification to provide affordable housing. Neighborhood Commercial or Commercial would not allow this opportunity but would require another plan amendment request.

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

Sections of the plan that staff believes supports the FLUM change to Commercial or Mixed Use: Plan document is here: <ftp://ftp.ci.austin.tx.us/npzd/Austingo/cwa-combined-np.pdf>.

Action Items C.1.4 Increase the variety, quality & accessibility of neighborhood retail & public services. (page 11)

The proposed FLUM change to Commercial or Mixed Use opens up the options for a variety of neighborhood retail options because Commercial land use is a broader land use than Neighborhood Commercial.

T.1.9 Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, & motorists & promotes recreation & socializing, but without expanding vehicle lanes. Below is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance. (page 11)

The property is within 150 feet of the Lake Austin Boulevard which is an Imagine Austin Activity Corridor where a wide-range of commercial and residential uses are encouraged and are compatible for this commercial node where the property is located.

L..2.3 Revitalize the Tarrytown Shopping Center by attracting preferably locally-owned neighborhood-serving & pedestrian-oriented businesses such as cafés, restaurants, & a bakery. Height should remain appropriately scaled to the adjacent residential structures. (page 11)

Although this section mentions Tarrytown Shopping Center, it says there is a preference for locally-owned neighborhood-service businesses. Because Commercial land use is a broader land use, it would open up the possibility for wider-range of uses to serve the community and Austin residents who chose to shop in this area.

Central West Austin is served by bus routes that connect it to downtown, the University of Texas, and south and north Austin. Although, over the years, this service has declined due to low ridership, stakeholders would like to reverse the trend and see an increase and focus on target areas. (page 52)

The plan recognizes a decrease in transit ridership but nevertheless maintains the status quo and doesn't appear to support an increase in residential or commercial density which could attract more people to support public transportation.

LIONS MUNICIPAL GOLF COURSE

89-0053 P

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

EXPOSITION BLVD

SP-90-214A

NEWMAN DR

W 10TH ST

75-076

LO

W 8TH ST

NURSERY

C14-2010-0052

SF-3-NP

SF-3-NP

W 9TH ST

SUPERMARKET

NEWMAN DR

SF-3-NP

W 8TH ST

SF-3-NP

CS-NP  
C14-60-000  
CS-NP  
C14-66-157

NORWALK LN

SF-3-NP

WAYSIDE DR

SF-3-NP

SF-3

COM. STORE

LR

83-203

PRUETT ST

SF-3-NP

LAKE AUSTIN BLVD

W 7TH ST

SF-3

SP95-0294C

SF-3

SF-3

SF-3

SP-94-0348C

### ZONING

ZONING CASE#: C14-2019-0043



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

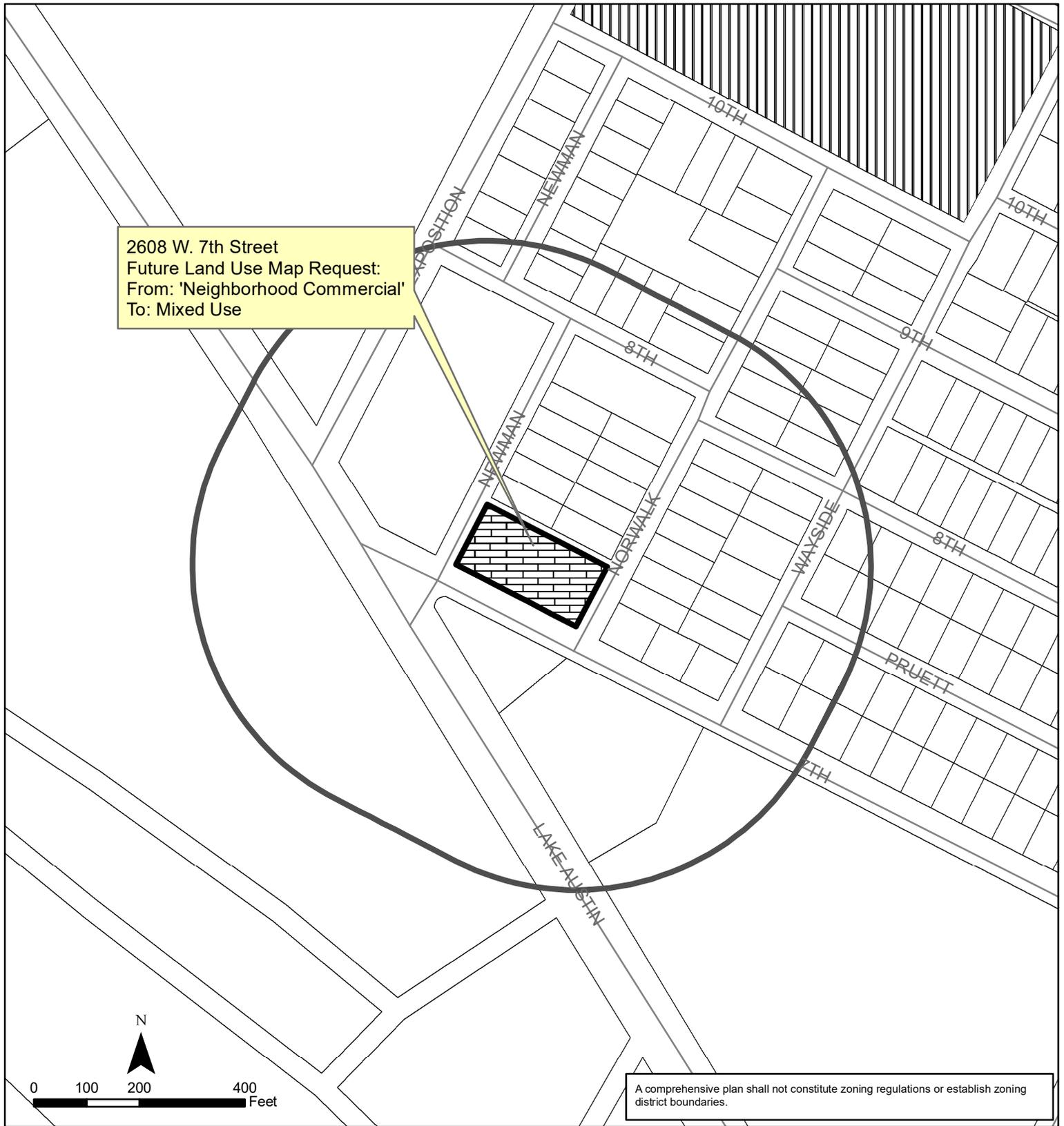
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/25/2019



## Central West Austin (WANG) Combined Neighborhood Planning Area NPA-2019-0027.01

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

### Future Land Use

	500 ft. Notif. Boundary		Neighborhood Commercial
	Subject Property		Civic
	Single-Family		Recreation & Open Space
	Multi-Family		Excluded from FLUM

